

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE COOK MEDICAL, INC. IVC FILTERS  
MARKETING, SALES PRACTICES, AND  
PRODUCT LIABILITY LITIGATION

APPROVED. Cases are  
dismissed without  
prejudice.  
Dated: 8/23/2021

  
RICHARD L. YOUNG, JUDGE  
United States District Court  
Southern District of Indiana

Case No: 1:14-md-2570-RLY-TAB  
MDL No. 2570

This Document Relates to:

Alford, John and Virginia, 1:14-cv-01870  
Avery-Montgomery, Donna and Gary, 1:14-cv-01871  
Dawsey, David, 1:16-cv-02271  
Rico, Cynthia Kay, 1:17-cv-00153  
Peacock, Robin, 1:17-cv-00159  
Smith, Lisa, 1:17-cv-03863  
Vidales, Jose R., 1:18-cv-02539  
Miller, Richard L., 1:19-cv-03102  
Palmer, Kenneth, 1:19-cv-03103  
Sheffield, Ayanna, 1:19-cv-03873  
Fuller, Curtis, 1:19-cv-04626  
McGeachy, Shawn and Todd, 1:19-cv-04868  
Tolliver-Jarrett, Sarita, 1:19-cv-04924  
Moore, Aundrey Bernard, 1:20-cv-00145  
Moses, Livinia, 1:20-cv-00147  
Scott, Amber Nicole, 1:20-cv-00388  
Jackson, Dawan, 1:20-cv-00483  
Rapp, Paul and Marvinteen, 1:20-cv-00705  
Muraviov, Norma and John, 1:20-cv-00715  
Rich, Barbara and James, 1:20-cv-00770  
Montgomery, Ryan Lane, 1:20-cv-00789  
Thomas, Randall Larry and Joann, 1:20-cv-00790  
Stieber, Nina R. and Gregory, 1:20-cv-00798  
Handy, Jessica, 1:20-cv-00799  
Smalley, Earl S. Jr. [ESTATE OF], 1:20-cv-00822  
Wheeler, Walter, 1:20-cv-00845  
Woodard, Eric and Mary Ann, 1:20-cv-00909  
Andress, Gary Lynn, 1:20-cv-00974  
Gordon, Tommy, 1:20-cv-01019  
Inae, Jeannie and Oxenham, Gary, 1:20-cv-01067  
Pereira, Nelys, 1:20-cv-01168  
Copeland, Terry R., 1:20-cv-01328  
Price, James R., 1:20-cv-01425  
Olivier, Lucia and Joseph, 1:20-cv-01934

Clarke, Virginia [ESTATE OF], 1:20-cv-02509  
Tabor, Irene, 1:20-cv-02511  
Lovaas, Connie, 1:20-cv-02515  
Gibson, Sylvia and William Lee, 1:20-cv-02516  
Gordon, Pauline, 1:20-cv-02517  
Harrison, Brian, 1:20-cv-02518  
Camberos, Martha and Rojano, Juan, 1:20-cv-02530  
Grabowski, Steven and Valeria, 1:20-cv-02534  
Miller, Roger Jr., 1:20-cv-02574

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**STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

Above-titled Plaintiffs and the defendants, Cook Incorporated, Cook Medical, LLC, and William Cook Europe ApS, hereby stipulate and agree that the above-captioned cases are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with each party to bear its own costs. The parties further stipulate that:

1. A Plaintiff listed above may refile his or her case in the Southern District of Indiana, in the event a Legally Cognizable Injury occurs within three-years from the date of this Stipulation.
2. For purposes of this Stipulation, “Legally Cognizable Injury” is exclusively defined as:
  - a. an open surgical procedure to remove a Cook IVC Filter;<sup>1</sup>
  - b. fracture of a Cook IVC Filter with a piece or pieces of the Cook IVC Filter remaining in the body after one or more percutaneous retrieval attempts have failed to retrieve the filter; or
  - c. death related to a Cook IVC Filter.<sup>2</sup>

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<sup>1</sup> “Open procedure” means a surgery using medical instruments to open the patient’s body to remove all or part of the Cook IVC Filter after either (1) one or more percutaneous retrieval attempts have failed to retrieve the filter, or (2) a determination by Plaintiff’s treating physician, who is not retained, compensated or directed by Plaintiff’s Counsel, that attempting a percutaneous retrieval of the filter is not feasible. For the purpose of this definition, a percutaneous retrieval procedure is not a “surgery.”

<sup>2</sup> “Death” means that a patient died as a result of the Cook IVC Filter. A contemporaneous medical record, autopsy report and/or death certificate created by a treating physician or pathologist, who is not retained, compensated or directed by Plaintiff’s Counsel, reasonably interpreted as confirming that the patient’s death was caused by or related to the Cook IVC Filter shall be required for “death” to qualify as a Legally Cognizable Injury pursuant to this Stipulation.

3. If a Plaintiff listed above refiles his or her case in any jurisdiction other than the Southern District of Indiana, this dismissal will automatically convert to a dismissal with prejudice.

By: /s/ Michael T. Gallagher

Michael T. Gallagher  
THE GALLAGHER LAW FIRM, PLLC  
2905 Sackett Street  
Houston, TX 77098  
(713) 222-8080  
Fax: (713) 222-0066  
Email: donnaf@gld-law.com

*Counsel for Plaintiffs*

Dated: August 20, 2021

By: /s/ Andrea Roberts Pierson

Andrea Roberts Pierson  
FAEGRE DRINKER BIDDLE & REATH LLP  
300 North Meridian, Suite 2500  
Indianapolis, IN 46204  
Tel: (317) 237-0300  
Fax: 317-237-1000  
Andrea.Pierson@FaegreDrinker.com

*Counsel for Defendants Cook Incorporated,  
Cook Medical LLC, and William Cook Europe  
APS*

Dated: August 20, 2021